

## **REMARKS**

Reconsideration and examination of the present application is respectfully requested.

### **Confirmation of Prior Amendments**

The undersigned attorney, Matthew C. Fagan, noted some prior amendments to the specification referred to the wrong location in the specification. Mr. Fagan contacted Examiner Pham on November 4, 2003 to identify whether and where such amendments were actually made to the specification. Examiner Pham stated that the intended locations in the specification were identified and that the amendments were made at the intended locations.

To clarify the record, the following amendments as stated in the May 7, 2002 Amendment, which was entered in accordance with the May 24, 2002 Request for Continued Examination (RCE), have been actually made as follows.

1. The stated amendment to page 7 in the paragraph beginning at line 4 was actually made to page 6 in the paragraph beginning on line 12.
2. The stated amendment on page 8 after the first paragraph was actually made to page 7 after line 9.
3. The stated amendment to page 21 in the paragraph beginning on line 1 was actually made to page 18 in the paragraph beginning on line 22.
4. The stated amendment to page 22 in the paragraph beginning on line 4 was actually made to page 19 in the paragraph beginning on line 24.

5. The stated amendment to page 25 before the paragraph beginning at line 16 was actually made to page 22 after line 25.

The amendments to the specification as stated in the November 26, 2002 Amendment and the June 9, 2003 Supplemental Amendment have actually been made to the second of the two paragraphs inserted after line 25 on page 22.

If any of these amendments were not actually made in this manner, Applicant respectfully requests clarification as to whether and where any such amendment was actually made.

#### Specification

On page 2 of the Office Action, the May 7, 2002 Amendment was objected to as introducing new matter into the disclosure.

Applicant amended the description of Figures 9-11 to describe that protective layer 37 of Figures 9-10 and protective layer 57 of Figure 11 may comprise a hydrogen-permeable material comprising a metal such as Pd, Pt, Ir, Ag, Au, Ni, Co, or an alloy thereof or may comprise a hydrogen-permeable material that is doped with a dopant, such as Mg, Ca, Al, Ir, Ni, or Co for example.

The originally filed application provides support for these features, for example, in the paragraph bridging pages 15 and 16 and in original claims 40 and 42.

Applicant respectfully submits this objection has been overcome and should accordingly be withdrawn.

Claim Rejections - 35 U.S.C. § 103

On pages 2-4 of the Office Action, claims 63-70 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,661,320 to Ito et al. ("Ito") in view of U.S. Patent No. 6,269,680 to Prieve et al. ("Prieve").

Noting claims 63-70 have been canceled, Applicant respectfully submits this rejection is no longer applicable.

New Claims

New claims 71-74 depend from allowed claim 30. Applicant therefore respectfully submits claims 71-74 are allowable.

Applicant respectfully submits neither Ito nor Prieve, whether alone or in any combination with one another, taught or suggested an optical filter formed over an output surface of a light source and an optical detector to detect light passing through the optical filter from the light source as claimed in new independent claim 75.

Applicant also respectfully submits neither Ito nor Prieve, whether alone or in any combination with one another, taught or suggested forming a layer of material over an output surface of a light source and positioning an optical detector to detect light passing through the layer of material as claimed in new independent claim 97.

Applicant further respectfully submits neither Ito nor Prieve, whether alone or in any combination with one another, taught or suggested powering a light source having an output

surface over which an optical filter is formed and detecting light passing through the optical filter  
from the light source as claimed in new independent claim 103.

Applicant notes that in the embodiment of Ito described with reference to Figure 5, a photo detector 6 detects light passing through a core 9a of an optical fiber 9 and not through the solid compound layer 3 deposited on the outer face of core 9a. See Ito in column 5 at lines 5-25.

Applicant also notes that in the embodiment of Ito described with reference to Figure 6, the solid compound layer 3 is deposited on a substrate 13 and not on an output surface of a light source.

See Ito in column 5 at lines 30-42.

Applicant further respectfully submits neither Ito nor Prieve, whether alone or in any combination with one another, taught or suggested an incandescent lamp having a bulb and an optical filter formed over an outer surface of the bulb as claimed in new independent claim 92.

New dependent claims 73, 85, 86, 94, and 99 feature a roughened substrate or surface.

The Office Action on page 4 states:

Regarding [now canceled] claims 68 and 69; the roughing method such as mechanical roughing, chemical roughing, etc... are well known in the art, thus it would have been obvious to use such a roughing method for forming an optical filter \* \* \*.

Applicant respectfully requests some evidence that roughening a substrate or surface is well known as well as some evidence that it would have been obvious to use a roughened substrate or surface as claimed.

It is respectfully submitted the present application is in condition for allowance, for which early action is earnestly solicited.

The Examiner is invited to telephone the undersigned to help expedite any further prosecution of the present application.

Respectfully submitted,



Date: November 13, 2003

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